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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------------|------------------|
| 10/696,568   | 10/30/2003  | Yuji Sugimoto        | 03-038                           | 5919             |
| 23400 . 7590 12/26/2006<br>POSZ LAW GROUP, PLC<br>12040 SOUTH LAKES DRIVE<br>SUITE 101<br>RESTON, VA 20191 |             |                      | EXAMINER<br>LIEU, JULIE BICHNGOC |                  |
|  |             |                      | ART UNIT                         | PAPER NUMBER     |
|  |             |                      | 2612                             |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE                    |                  |
| 3 MONTHS   |             | 12/26/2006           | PAPER                            |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/696,568

Applicant(s)

SUGIMOTO ET AL.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed October 23, 2006.

Claim 1 has been amended. New claim 8 has been added.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

3. Claims 1-8 are again rejected under 35 U.S.C. 103(a) as being unpatentable over JP-A-8-216735 (cited by the applicant) in view of Pressler et al. (US Patent No. 5,550,713).

#### Claims 1-8:

The vehicle meter unit disclosed in the JP'735 patent meets all the claimed limitation of claims 1-7, except the location of the radio receiver and its associated antenna. Nonetheless, the shift of location of part to achieve an optimal result would not be considered an inventive step because it is within the knowledge of a skilled artisan to improve a radio frequency system by reducing or eliminating noise to achieve the desired result.

Furthermore, this concept is well known as taught in Pressler et al., wherein it is taught that mounting a RF circuitry of an RF receiver/transmitter on the opposite side of a circuit board to avoid interference between the high frequency signal device such as a digital signal processing circuitry which uses high frequency clock signal and the RF circuit is very old and conventional

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in the art. Therefore, one of ordinary skilled in the art would have readily recognized applying Pressler's teaching in JP'735 for the same reason. Also, it would have been obvious ton skilled in the art to integrate the receiver's antenna in the receiver circuit because that is where it belongs and also the concept of integrating an antenna with its associated circuitry is suggested in the reference where antenna 26 is integrated into the circuit board.

In addition, one of very ordinary skilled in the art would have recognized electrically and physically connecting the receiver circuitry to the meter in the combined system since they are connected to the same power supply.

*Applicant's arguments*

4. Applicants have submitted the following arguments:

Argument 1:

The applicant has stated that the examiner must establish a prima facie case of obviousness and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. The Applicant has argued that, furthermore, the teaching or suggestion to make the claimed combination and a reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

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Argument 2:

The Applicant argued newly recited limitations in the claims.

***Response to Applicant's arguments***

5. Applicant's arguments have been fully considered but they are not persuasive.

Response to argument 1:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the concept of mounting the receiver on the other side of the circuitry to avoid interference caused by high frequency signal device such as a digital signal processing circuitry which uses high frequency clock signal and the RF circuit is very old and conventional in the art as clearly evidenced in Pressler. A skilled artisan would have known applying this teaching in the JP'735 patent to obtain the same advantage.

The Applicant should note that "it is not necessary that the references actually suggests, expressly or in so many words, the changes or improvements that applicant has made. The test for

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combined the references is what the references as whole would have suggested to one of ordinary skill into the art. (In re Sheckler, 168 USPQ 716; In re McLaughlin 170 USPQ 209; In re Young, 159, USPQ 725).

Response to argument 1:

6. Regarding the argument regarding new claim limitations, they have been considered but are moot in view of the new ground(s) of rejection.

For the above reason the rejection is maintained.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized flourish at the end.

Julie Lieu  
Primary Examiner  
Art Unit 2612

Dec 15, 06